

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION (Includes PCT)**

Attorney Docket No.  
85658-001

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS FOR DELIVERING INHALANT AND MONITORING EXHALED FLUID, METHOD OF MAKING SAME,  
AND METHOD OF DELIVERING INHALANT AND MONITORING EXHALED FLUID

the specification of which (check one): ☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended  
on \_\_\_\_\_.

☐ was filed as PCT international application no. \_\_\_\_\_ and was  
amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I do not know and do not believe the claimed invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America or an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

\_\_\_\_\_  
(Number) (Country) Day/Month/Year Filed

☐ ☐  
Yes No

\_\_\_\_\_  
(Number) (Country) Day/Month/Year Filed

☐ ☐  
Yes No

I hereby claim the benefit under Title 35, United States Code, §119 (e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
Application No. Day/Month/Year Filed

\_\_\_\_\_  
Application No. Day/Month/Year Filed

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
Application Serial No.

\_\_\_\_\_  
Filing Date

\_\_\_\_\_  
Status (patented, pending, abandoned)

Application Serial No. \_\_\_\_\_ Filing Date \_\_\_\_\_ Status (patented, pending, abandoned) \_\_\_\_\_

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Lawrence R. Radanovic, Reg. No. 23,077; Richard H. Tushin, Reg. No. 27,297; Donald N. Huff, Reg. No. 27,561; John P. DeLuca, Reg. No. 25,505; Charles Rutherford, Reg. No. 18,933; Robert L. Kelly, Reg. No. 31,843; Ernest E. Helms, Reg. No. 29,721; William F. Kolakowski, Reg. No. 41,908; Sandra S. Snapp, Reg. No. 41,444; and William A. Bonk, III, Reg. No. 40,521, all of Dykema Gossett, P.L.L.C. Direct all telephone calls to telephone no. (202) 522-8600 and faxes to (202) 522-8669.

Address all correspondence to **Dykema Gossett, PLLC, Suite 300 West, 1300 I Street, N.W., Washington, D.C. 20005-3306.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Joint Inventor Bevely Roberts	Inventor's Signature <i>Bevely Roberts</i>	Date 1-2-02
Residence: 20326 Beaverland, Detroit, MI 48219		Citizenship U.S.
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Full Name of Second Joint Inventor	Inventor's Signature	Date
Residence:		Citizenship
Post Office Address:		
Full Name of Third Joint Inventor	Inventor's Signature	Date
Residence:		Citizenship
Post Office Address:		
Full Name of Fourth Joint Inventor	Inventor's Signature	Date
Residence:		Citizenship
Post Office Address:		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Bevely Roberts

Date: 1 - 2 - 02

Serial No.:

Art Unit: Unassigned

Filed: Herewith

Examiner: Unassigned

For: APPARATUS FOR DELIVERING INHALANT AND MONITORING EXHALED FLUID,  
METHOD OF MAKING SAME, AND METHOD OF DELIVERING INHALANT AND  
MONITORING EXHALED FLUID

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Commissioner for Patents  
Washington, DC 20231

Sir:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
37 C.F.R. §§1.9(f) and 1.27(b)--INDEPENDENT INVENTOR**

As the inventor named below, I declare that I qualify as an inventor, under 37 C.F.R. §1.9 (c), for purposes of paying reduced fees to the Patent and Trademark Office, under 35 U.S.C. §§41 (a) and (b), with regard to the invention entitled .

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9 (d) or a nonprofit organization under 37 C.F.R. §1.9 (e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. §1.28 (b)).

Respectfully Submitted,

  
Bevely ROBERTS